

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re:)
Jonathan J. Rauscher,) Case No. 10-35611-jes
) Chapter 13
Debtor.)

EMERGENCY MOTION TO COMPEL TURNOVER OF PROPERTY

Please take notice that Debtor by his attorneys, DeLadurantey Law Office, LLC, by Anton B. Nickolai, hereby moves the court for turnover of property of the bankruptcy estate under 11 U.S.C. §542, which is wrongfully withheld by a creditor, despite numerous and repeated conversations with the creditor and creditor's counsel over the past nineteen days.

Name of Creditor: Ford Motor Credit Company, LLC
c/o Stewart, Zlimen & Jungers, Ltd.
2277 Highway 36 West, Ste. 100
Roseville, MN 55113

Description of Property: 2010 Ford Focus (VIN: 1FAHP3CN3AW221345)

Location of Property: Unknown

Wherefore, the Movant requests:

1. That said Creditor immediately turnover the 2010 Ford Focus, VIN 1FAHP3CN3AW221345, to the debtor,
2. That Movant's legal fees and costs of \$500.00 associated with this Motion be approved and reimbursed by the Creditor, and
3. Any further relief that the Court may deem just and equitable.

Dated this 13th day of October, 2010.

Drafted By:

By: /s/_____.

Anton B. Nickolai
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Attorney Anton B. Nickolai
Bar No. 1060676

United States Bankruptcy Court
Eastern District of Wisconsin

In re **Jonathan J Rauscher**

Case No. **10-35611**

Chapter **13**

Debtor

Address **1523 S. 63rd Street**
West Allis, WI 53214

Employer's Tax Identification (EIN) No(s). _____

Last four digits of Social Security No(s). **xxx-xx-7211**

NOTICE OF EMERGENCY MOTION TO COMPEL TURNOVER

Jonathan J. Rauscher has filed papers with the court to compel turnover of property.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion to Compel Turnover of Property, or if you want the court to consider your views on the motion, then you or your attorney must attend the hearing to be scheduled on **Tuesday, October 19, 2010, at 1:00 p.m.** before the Honorable James E. Shapiro in Courtroom 133, United States Bankruptcy Court, Eastern District of Wisconsin, 517 E. Wisconsin Ave, Room 133, Milwaukee, WI 53202.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date **October 13, 2010**

Signature **/s/ Attorney Anton B. Nickolai**
Name **Attorney Anton B. Nickolai 1060676**
Address **DeLadurantey Law Office, LLC**
700 W. Michigan St., Suite 420
Milwaukee, WI 53233

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) Case No. 10-35611-jes
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AFFIDAVIT OF SERVICE

Justin Kelly, states under oath that he is over the age of 18 and a paralegal at DeLadurantey Law Office, LLC, attorneys for the debtors, and that on October 13, 2010, he delivered true and correct copies of the attached "Emergency Motion to Compel Turnover of Property", "Notice of Motion to Compel Turnover" and "Affidavit of Service" via the CM/ECF system or first-class mail to the following parties:

Clerk, U.S. Bankruptcy Court
Eastern District of Wisconsin
Via ECF

Trustee Thomas King
Via ECF

United States Trustee
Via ECF

Ford Motor Credit Company, LLC
c/o Stewart, Zlimen & Jungers, Ltd.
2277 Highway 36 West, Suite 100
Roseville, MN 55113
via ECF

Dated: October 13, 2010

Signed: /s/
Justin Kelly

Personally came before me on October 13, 2010, the above-named Justin Kelly, to me known to be the person who executed the foregoing instrument and acknowledged the same.

/s/ [notary seal].

Drafted By:

Anton B. Nickolai
DeLadurantey Law Office, LLC
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Milwaukee, WI 53233
P: 414-377-0515
F: 414-755-0860
anton@de-la-law.com

Anton B. Nickolai
Notary Public, State of Wisconsin
Commission expires: permanent